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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

GARTH H. DRABINSKY,

Defendant.

- - - - -x

:  
:  
: NOLLE PROSEQUI  
:  
: 99 Cr. 17

1. The filing of this nolle prosequi will dispose of this case with respect to Garth H. Drabinsky, the defendant.

2. On or about January 14, 1999, Indictment 99 Cr. 17 (the "Indictment") was filed, charging Drabinsky in sixteen counts arising from an accounting fraud scheme involving the theatrical entertainment company Livent, Inc., of which Drabinsky was the Chief Executive Officer.

3. Count One charged Drabinsky with conspiracy to commit offering fraud, commit securities fraud, file false registration statements, file false quarterly and annual reports, falsify books and records, circumvent accounting controls, and lie to auditors, from 1995 to 1998, in violation of 18 U.S.C. § 371. Counts Two and Three charged Drabinsky with offering fraud, in October 1997 and June 1998, respectively, in violation of 15 U.S.C. §§ 77q(a) and 77x. Counts Four through Fifteen charged Drabinsky with securities fraud on twelve occasions in 1997 and 1998, in violation of 15 U.S.C. §§ 78j(b) and 78ff. Count Sixteen charged

Drabinsky with filing a false registration statement on November 6, 1997, in violation of 15 U.S.C. § 77x.

3. On or about July 31, 2006, authorities in Drabinsky's country of citizenship and residence, Canada, charged him with crimes arising from the same underlying accounting fraud scheme that formed the basis of the Indictment's charges.

4. On or about March 25, 2009, a Canadian court found Drabinsky guilty, after trial, of the crimes charged. On or about August 5, 2009, Drabinsky was sentenced to seven years' imprisonment.


5. On or about September 13, 2011, a Canadian appellate court affirmed Drabinsky's conviction, but reduced his sentence to five years' imprisonment.

6. Drabinsky served his sentence of imprisonment, and completed his term of parole.

7. Because Drabinsky has already served a term of imprisonment for crimes arising from the same underlying conduct charged in the Indictment, and because the interests of justice would not be served by further prosecution of this matter, the Government has determined that dismissal of the Indictment is warranted.

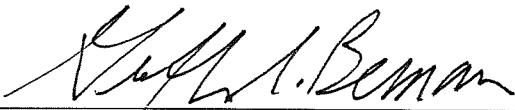
7. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant Garth H. Drabinsky with

respect to Indictment 99 Cr. 17, and that the charges against the defendant be dismissed with prejudice.

  
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Sarah K. Eddy  
Assistant United States Attorney

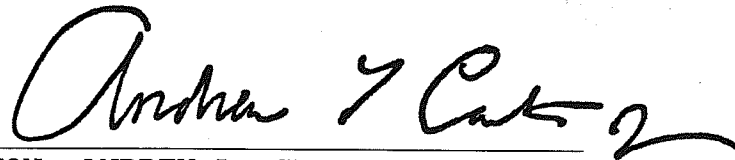
Dated: New York, New York  
June 25, 2018

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant Garth H. Drabinsky with respect to Indictment 99 Cr. 17, and that the charges contained therein be dismissed with prejudice.

  
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GEOFFREY S. BERMAN  
United States Attorney  
Southern District of New York

Dated: New York, New York  
June 26, 2018

SO ORDERED:

  
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HON. ANDREW L. CARTER, JR.  
United States District Judge  
Southern District of New York

DATED: New York, New York  
June 26, 2018